

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE
STATE OF HAWAII

FROM: Dept. of Health/Adult Mental Health Division *ay*
(Department/Division/Agency)

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Description of health and human services:

Provision of intermediate care facility (ICF) services for an individual with dementia and mental illness.

Name of Service Provider
Aloha Nursing & Rehab Centre

Cost:
\$200/day,
estimated \$73,200
per year *HS*

Term of Contract:
From: *7/01/03* *7/18/03 HS*
To: ~~6/30/05~~ *6/30/04 HS*

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

The individual has been diagnosed with dementia and mental illness that results in progressively worsening behavioral problems. The individual's guardians have selected this facility to place this individual. This is the only suitable provider that is willing to accept this individual.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

The Adult Mental Health Division (AMHD), the Department of the Attorney General, and the individual's guardians have searched for a suitable community facility and this is the only provider willing to accept this individual. Other ICF level facilities on Oahu and the neighbor islands have refused to accept this individual.

The individual's guardians have agreed to reimburse the Department of Health for the cost of this service as soon as real estate owned by the individual is sold and the court approves the disbursement of funds.

P. REF. NO. **03-29**

A description of the state agency's internal controls and approval requirements for the exempted procurement:

The Chief of AMHD, the AMHD Medical Director, and the Deputy Attorney General assigned to this case have reviewed and approved the placement of this individual at this facility.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Thomas Hester, M.D., Chief, AMHD
Alan Radke, M.D., AMHD Medical Director
Martha Im, Deputy Attorney General
Amy Yamaguchi, Public Health Administrative Officer, AMHD

Direct questions to:
Amy Yamaguchi

Phone Number:
586-4682

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☐ No ☒

I certify that the information provided above is to the best of my knowledge, true and correct.

James K. Kadokawa
for Department/Agency Head

6-18-03
Date

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☒ Approved

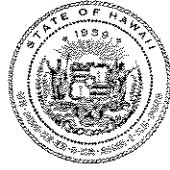
☐ Denied

cc: Administrator
State Procurement Office

Alan Radke
Chief Procurement Officer

7/18/03
Date

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

July 9, 2003

TO: Mr. Aaron S. Fujioka
Administrator
State Procurement Office

FROM: Chiyome L. Fukino, M.D.
Director of Health

A handwritten signature in dark ink, appearing to read "Chiyome L. Fukino", is written over the printed name and title.

ADMINISTRATION
STATE OF HAWAII
STATE OF HAWAII

03 JUL 16 P2:16

SUBJECT: Request for Exemption – Aloha Nursing & Rehab Centre (P.E.H. 03-29)

This memo is a follow-up to our previously submitted Request for Exemption from Chapter 103F, HRS. The request is for the provision of intermediate care facility services at Aloha Nursing & Rehab Centre for a patient with dementia and mental illness that was discharged from Hawaii State Hospital (HSH). The patient did not meet the criteria to be hospitalized at HSH.

As requested, listed below are the other facilities that HSH had contacted in its attempts to find an appropriate placement in the community for this individual and the date contacted.

1. Maluhia Long Term Care Facility – 6/98, 3/99
2. Leahi Hospital – 6/98
3. Leeward Nursing Home – 12/99
4. Crawford Intermediate Care Facility (ICF)– 7/99
5. Island Nursing Home – 1/00
6. Samuel Mahelona Hospital – 1/00
7. Pearl City Nursing Home – 9/00
8. Ka Punawai Nursing Home – 8/00
9. Maunalani Nursing & Rehab Center – 10/00
10. Convalescent Center of Honolulu – 10/99
11. Hale Nani Rehabilitation Center – 10/00
12. Oahu Care Facility – 10/00
13. Aloha Nursing & Rehab Centre – 10/00

Among the previously listed facilities, only Aloha Nursing & Rehab Centre and Crawford ICF accepted the patient. However, Crawford later gave the available bed to another individual. The patient was then discharged to Aloha Nursing & Rehab Centre after his daughters agreed to his discharge plan and signed the admission forms.

Family Court has required that the patient's guardians of the person, the patient's daughters, approve any facility where this patient is placed. Previously, the guardians have not cooperated with the HSH discharge planning process. The guardians were reluctant to take any action that would have resulted in the patient being admitted to a facility where they would have to pay for services.

Because of this lack of cooperation, HSH initiated court action that finally resulted in the guardians agreeing to sign the documents to admit the patient to Aloha Nursing & Rehab Centre. The State, in turn, agreed to pay for the services at Aloha Nursing & Rehab Centre until such time as that the patient's real estate was sold and the cash made available to the guardians. Subsequently, the patient's real estate was sold, but the Court is not allowing the guardians access to the cash until they submit a complete accounting to the Court of how cash was previously expended. When the patient's cash does become available for disbursement, the guardians will also reimburse the State for the cost of the services already rendered by the provider.

Due to the problems experienced in obtaining the guardians' authorization to admit the patient to Aloha Nursing & Rehab Centre, it is expected that it will be very difficult to obtain the guardians' approval to admit the patient to another facility. Therefore, it has been determined that it is not practicable to procure this service by competitive means.

The patient's medical conditions also make continuity of care an issue. Moving the patient to another facility may adversely affect him and could result in the need for a higher level of care.

Based on these efforts to find a suitable facility and procurement by competitive means not being practicable, we are requesting an exemption to Chapter 103F, HRS, to allow for the continued stay of the patient at Aloha Nursing & Rehab Centre for the period July 1, 2003 to June 30, 2004.

Your favorable consideration of the Request for Exemption will be appreciated. If you have any questions or need additional information, please call Ms. Amy Yamaguchi, Adult Mental Health Division, at 586-4682.